

AN ORDINANCE 99723

APPROVING AN AGREEMENT FOR TRANSFER OF USE, BENEFIT AND CONTROL OF PROPERTY TO THE CITY OF SAN ANTONIO FROM THE SAN ANTONIO WATER SYSTEM ("SAWS") OF THE SAWS' PRESENT CORPORATE HEADQUARTERS LOCATED AT 1001 E. MARKET STREET AND THE HISTORIC YTURRI HOUSE AT 1020 E. COMMERCE STREET, ALONG WITH THE NON-EXCLUSIVE USE BY THE CITY OF A PERPETUAL RIGHT OF ACCESS, APPURTENANT TO THE PROPERTY BEING TRANSFERRED, FOR JOINT USE WITH SAWS IN CONSIDERATION OF THE SUM OF \$7,730,000.00 FOR THE FUTURE CONVENTION CENTER EXPANSION; APPROVING THE EXECUTION OF A JOINT USE AGREEMENT; APPROPRIATING THE SUM OF \$7,730,000.00 FROM HOTEL OCCUPANCY TAX REVENUE BOND FUNDS FOR SUCH PURCHASE, SUBJECT TO THE TERMS OF THE AGREEMENT FOR TRANSFER OF USE, BENEFIT AND CONTROL OF PROPERTY, INCLUDING THE APPROPRIATION OF THE SUM OF \$250,000.00 PAYABLE TO CHICAGO TITLE COMPANY AS AN EARNEST MONEY DEPOSIT FOR SUCH TRANSFER; AND APPROPRIATING AN AMOUNT NOT TO EXCEED \$50,000.00 FOR DUE DILIGENCE EXPENSES.

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WHEREAS, the San Antonio Water System ("SAWS") completed the purchase of the former Valero Headquarters building located at State Highway 281 and Mulberry and will subsequently relocate from SAWS' existing headquarters on Market Street, across from the Henry B. Gonzalez Convention Center to the Valero Headquarters building; and

WHEREAS, future expansion plans for the Convention Center anticipate realignment of Market Street and removal of SAWS' existing headquarters, thus City staff is recommending transfer of the use, benefit and control of the SAWS' property, consisting of approximately 4 acres, with two buildings of approximately 65,000 square feet, with a closing of the transfer between May, 2005 and August, 2005 to allow SAWS to complete their programming and relocation activities associated with the new headquarters building; **NOW THEREFORE;**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. An Agreement for Transfer of Use, Benefit and Control of Property to the City of San Antonio from the San Antonio Water System ("SAWS") of the SAWS' present Corporate Headquarters located at 1001 E. Market Street and the historic Yturri House at 1020 E. Commerce Street, along with the non-exclusive use by the City of a perpetual right of access, appurtenant to the property being transferred, for joint use with SAWS in consideration of the sum of \$7,730,000.00 for the future Convention Center expansion is hereby approved.

SECTION 2. The City Manager, Interim City Manager, Deputy City Manager, an Assistant City Manager, or an Assistant to the City Manager is hereby authorized to execute the Agreement for Transfer of Use, Benefit and Control of Property, the Joint Use Agreement for non-exclusive use by the City of a perpetual right of access, appurtenant to the property being transferred, for joint use with SAWS and any and all other documents, as first reviewed and approved by the City Attorney, in connection with such transfer. Copies of

the Agreement for Transfer of Use, Benefit and Control of Property and the Joint Use Agreement, attached as Exhibit "D" to the Agreement for Transfer of Use, Benefit and Control of Property, both agreements being in substantially final form, are affixed together as **Attachment 1** hereto and incorporated herein verbatim for all purposes.

SECTION 3. The amount of \$7,780,000.00 is appropriated in Fund 47-002000, 2004B Hotel Motel Tax Revenue Bonds, in Index Code 942698, entitled "Transfer to Fund 47-099001". The amount of \$7,780,000.00 is authorized to be transferred from Fund 47-002000 to Fund 47-099001.

SECTION 4. The budget in Fund 47-099001, Occupancy Tax Revenue Bonds Projects, shall be revised by increasing Index Code 148726, entitled "Trf Fr 47-002000", by the amount of \$7,780,000.00.

SECTION 5. The amount of \$7,480,000.00 is appropriated in Fund 47-099001, Occupancy Tax Revenue Bonds Projects, in Index Code 432823, entitled "SAWS Property", and is authorized to be encumbered and made payable to Chicago Title Company in connection with the Future Convention Center Expansion project.

SECTION 6. The amount of \$250,000.00 is appropriated in Fund 47-099001, Occupancy Tax Revenue Bonds Projects, in Index Code 432831, entitled "Earnest Money: SAWS Property", and is authorized to be encumbered and made payable to Chicago Title Company in connection with the Future Convention Center Expansion project.

SECTION 7. The amount of \$50,000.00 is appropriated in Fund 47-099001, Occupancy Tax Revenue Bonds Projects, in Index Code 432849, entitled "Due Diligence Expenses", and is authorized to be encumbered and made payable for due diligence expenses in connection with the Future Convention Center Expansion project.

SECTION 8. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 9. This ordinance shall be effective on the 26th day of September, 2004.

PASSED AND APPROVED this 16th day of September, 2004.

ATTEST:

Narcia H. Vaca
City Clerk

M A Y O R

Edward D. Garza
EDWARD D. GARZA

APPROVED AS TO FORM:

[Signature]
for City Attorney

Agenda Voting Results

Name: 26A.

" 99723

Date: 09/16/04

Time: 02:36:08 PM

Vote Type: Multiple selection

Description: A. An Ordinance approving an Agreement for Transfer of Use, Benefit and Control of Property to the City of San Antonio from the San Antonio Water System ("SAWS") of the SAWS' present corporate headquarters located at 1001 E. Market Street and the historic Yturri House at 1020 E. Commerce Street, along with the non-exclusive use by the City of a perpetual right of access, appurtenant to the property being transferred, for joint use with SAWS in consideration of the sum of \$7,730,000.00 for the future Convention Center expansion; approving the execution of a Joint Use Agreement; appropriating the sum of \$7,730,000.00 from Hotel Occupancy Tax Revenue Bond funds for such purchase, subject to the terms of the Agreement for Transfer of Use, Benefit and Control of Property, including the appropriation of the sum of \$250,000.00 payable to Chicago Title Company as an Earnest Money Deposit for such transfer; and appropriating an amount not to exceed \$50,000.00 for due diligence expenses.

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
JOEL WILLIAMS	DISTRICT 2		x		
RON H. SEGOVIA	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
ENRIQUE M. BARRERA	DISTRICT 6		x		
JULIAN CASTRO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
CARROLL SCHUBERT	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR ED GARZA	MAYOR		x		